

JUDGE LYNCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>SEP 18 2007</u>

UNITED STATES OF AMERICA

- v. -

JOHNNY WALTERS,
a/k/a "Petey," and
MICHAEL BASS,

Defendants.

INDICTMENT

07^{cr} CRIM 887

COUNT ONE

The Grand Jury charges:

1. From at least in or about June 2007, up to and including in or about August 2007, in the Southern District of New York and elsewhere, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base (commonly known as "crack"), in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about July 17, 2007, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, were present in the vicinity of 145th Street and St. Nicholas Avenue in New York, New York, in order to deliver approximately 40 grams of crack.

b. On or about August 21, 2007, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, were present in the vicinity of 148th Street and St. Nicholas Avenue in New York, New York, in order to deliver approximately 30 grams of crack.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about June 12, 2007, in the Southern District of New York, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base (commonly known as "crack").

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about July 17, 2007, in the Southern District of New York, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base (commonly known as "crack").

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT FOUR

The Grand Jury further charges:

6. On or about August 21, 2007, in the Southern District of New York, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base (commonly known as "crack").

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATIONS AS TO COUNTS ONE THROUGH FOUR

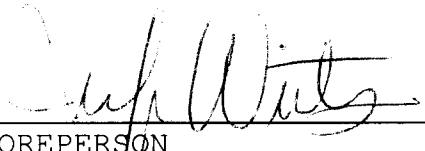
7. As a result of committing the controlled substance offenses alleged in Counts One through Four of this Indictment, JOHNNY WALTERS, a/k/a "Petey," and MICHAEL BASS, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One through Four of this Indictment, including but not limited to proceeds obtained as a result of the offenses described in Counts One through Four of this Indictment.

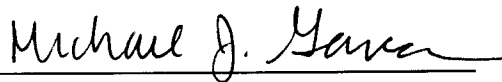
8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. §853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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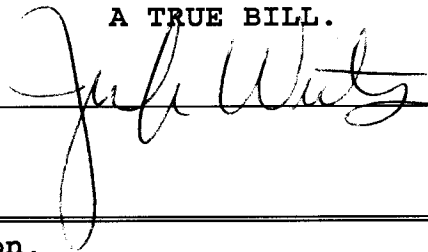
07 Cr. _____

(Title 21, United States Code,
Sections 812, 841(a)(1),
841(b)(1)(A) and (B), and 846; Title 18,
United States Code, Section 2)

MICHAEL J. GARCIA

United States Attorney

A TRUE BILL.



Foreperson.

9/18/07 FLD INDICTMENT. CASE ASSIGNED TO
JUDGE LYNCH.

MAAS M.J.